



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 14, 1993

Mr. John D. Gilliam
City Attorney
City of Sherman
P.O. Box 1106
Sherman, Texas 75091

OR93-461

Dear Mr. Gilliam:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 20672.

The Sherman Police Department (the "department") has received a request for "all information . . . concerning an accident which occurred on February 25, 1993 in the 400 block of East Mulberry . . . between motor vehicles driven by Patricia Millson, Larry Millson, and a train locomotive operated by Paul Ontiveros, including but not necessarily limited to unaltered accident report and witness statements." You advise us that the requestor, who represents a person injured in the accident, has been provided with redacted copies of the accident report and voluntary witness statements. You claim that sections 3(a)(1) and 3(a)(8) of the Open Records Act except the redacted information from required public disclosure.

You have submitted to us for review an accident report prepared by a peace officer. The accident report contains a completed "Texas Peace Officer's Accident Report," several voluntary witness statements, and a drawing of the accident scene. In Open Records Decision No. 43 (1974), this office held that accident reports and any supplemental reports prepared for submission to the Texas Department of Public Safety by peace officers in the regular course of their duties in investigating an accident, are public records under section 47, article 6701d, V.T.C.S. *See also* Open Records Decision No. 251 (1980). Exceptions to required public disclosure under section 3(a) of the Open Records Act do not, as a general rule, apply to information expressly made public by other statutes. Open Records Decision No. 525 (1989). Accordingly, we conclude that the accident report must be released in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Mary R. Crouter", with a stylized flourish at the end.

Mary R. Crouter
Assistant Attorney General
Open Government Section

MRC/GCK/jmn

Ref.: ID# 20672

cc: Mr. David K. Wilson
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